

REMARKS

Please reconsider the application in view of the following remarks. Applicants thank the Examiner for indicating that claims 18-23 and 25-27 are allowed, and for carefully considering this application.

Disposition of Claims

Claims 1-4, 6-23, and 25-27 are pending in the present application. Claims 1, 18, 23, and 25 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 18.

Double Patenting Rejections

Claims 1-4 and 14-17 were provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 20-22 and 31-34 of co-pending Application No. 10/665,386. *See*, Office Action dated April 2, 2007, at pages 2 and 3. In response to the previous Office Action dated April 2, 2007, the Applicants amended claim 1¹ to include all the limitations of allowed dependent claim 5, which was not provisionally rejected, and therefore claim 1 is allowable. *See*, Reply to Office Action dated April 2, 2007, filed on July 2, 2007. Claims 2-4 and 14-17 depend, either directly or indirectly, from claim 1 and are allowable for at least the same reasons. Accordingly, in light of the amendments made in the prior response filed by the Applicants on July 2, 2007, the double patenting rejection is moot.

However, in addition to the response filed by the Applicants, the prior counsel for the Applicants also filed a response on July 2, 2007, including an improper terminal disclaimer.

¹ On page 9 of the Office Action dated April 2, 2007, the Examiner asserts dependent claim 5 contains allowable subject matter and would be allowable if rewritten in independent form.

Although, the response of the prior counsel was not entered, the mistakenly filed improper terminal disclaimer was entered. The Applicants would like to clarify that the prior counsel did not, in fact, have the Power of Attorney, as a Revocation and substitute Power of Attorney was filed on July 2, 2007, and accordingly, the improper terminal disclaimer should not have been entered. Furthermore, the Applicants would like to clarify that, since the double patenting rejection is moot in light of the amendments, discussed above, the improper terminal disclaimer (or corrections thereof) is not needed to overcome the double patenting rejection. Accordingly, the Applicants request removal of the improper terminal disclaimer from the record and respectfully request withdrawal of this rejection.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 33227/009001; P7898).

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Respectfully submitted,

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